

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
)
Claude Q.C. Hayes)
)
Patent No: 6,264,854)
)
Issue Date: July 24, 2001)

For: **HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF BASAM E. NABULSI IN SUPPORT OF PETITION UNDER
37 C.F.R. 1.378(b) TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE AND TO REINSTATE PATENT**

I, Basam E. Nabulsi, do hereby declare as follows:

1. I am a partner with the law firm McCarter & English, LLP ("M&E") and have been a partner with M&E since October 1, 2003. Prior to joining M&E, I was a partner with the law firm Cummings & Lockwood LP ("C&L") beginning in April 1998.
2. During my tenure at C&L, we began representing Claude Q.C. Hayes ("Hayes") in connection with intellectual property matters. In connection with our representation of Hayes, we assumed responsibility for a patent portfolio that included eighteen (18) issued patents as of November 2008. In the M&E systems, each of the Hayes patents is associated with the same client number – 97661 – but is assigned its own matter number.
3. U.S. Patent No. 6,264,854 entitled "Heat Absorbing Temperature Control Devices and Method" to Hayes (the "'854 Patent") issued on July 24, 2001. The M&E reference number for the '854 Patent is "97661.00013".
4. The window for payment of the second maintenance fee associated with the '854 Patent opened on July 24, 2008 and closed on July 24, 2009.

5. M&E maintains a computerized docket system that is licensed from Computer Packages, Inc. ("CPI"). All entries to M&E's docket system are made by personnel trained in the use of the CPI docket system, including the creation of new docket records, the entry of upcoming deadlines and the removal of completed action items.

6. The individual responsible for maintenance fee payment and docket entries associated with the '854 Patent – Ms. Joan Simmons – is a paralegal at M&E having more than twenty five (25) years of experience in patent practice, including specifically docketing and maintenance fee payments. Ms. Simmons is intimately familiar with the operation and use of M&E's CPI docket system and electronic submissions to the USPTO, including specifically electronic payment of maintenance fees. In addition, Ms. Simmons receives ongoing training in support of her duties from M&E, and has proven to be highly reliable in performing her responsibilities, including specifically docketing and electronic maintenance fee processing.

7. Various entries associated with payment of the second maintenance fee for the '854 Patent were automatically established in M&E's CPI docket system based upon the issue date of the '854 Patent. A copy of a printout from M&E's CPI docket system showing a chronological list of due dates associated with the '854 Patent – associated with the client/matter designation of 97661.00013 -- is appended hereto as Exhibit A. As shown on the noted CPI printout, M&E's CPI docket system included the following entries with respect to the second maintenance fee for the '854 Patent:

- a. "Reminder 2nd MFEE due 1/24" -- Due Date: 24-Nov-2008 (Reminder)
- b. "2nd MAINT FEE DUE" – Due Date: 24-Jan-2009 (Due Date)
- c. "2nd MAINT FEE DUE" – Due Date: 24-Jul-2009 (Final)

8. As also reflected on the CPI printout appended hereto as Exhibit A, the deadlines associated with the second maintenance fee for the '854 Patent were removed from M&E's CPI docket system on November 23, 2008. As explained below, the noted deadlines associated with the second maintenance fee were removed from M&E's CPI docket system in error.

9. M&E maintains several Deposit Accounts with the U.S. Patent and Trademark Office ("USPTO") in connection with its patent-related activities. M&E's Stamford office – in which I practice – utilizes Deposit Account No. 503570 (the "Deposit Account"). A copy of a printout associated with activities in the Deposit Account for the month of November 2008 is appended hereto as Exhibit B.

10. As shown on the appended Deposit Account printout, the maintenance fee for U.S. Patent No. 6,238,591 (the "'591 Patent'") was posted to the Deposit Account on November 24, 2008. Of note, November 24, 2008 was a "Monday" and any Deposit Account activity from the weekend, e.g., Sunday, November 23, 2008, would not be posted to the Deposit Account until Monday, November 24th.

11. When USPTO fees are paid electronically using the Deposit Account, the individual authorizing the payment identifies the "attorney docket number" to be associated with the activity. Thus, even though the '591 Patent is a distinct Hayes patent and is associated with client/matter designation 97771.00016, the individual authorizing payment of the noted maintenance fee incorrectly correlated the payment with client/matter designation 97771.00013, i.e., the '854 Patent.

12. Based on the mistaken belief that the second maintenance fee for the '854 Patent had been paid on November 23, 2008, the associated deadlines were removed from M&E's docket system on November 23, 2008. The removal of these deadlines from the CPI docket system on November 23, 2008 is reflected in the printout appended hereto as Exhibit A.

13. Consistent with the mistaken belief that the second maintenance fee for the '854 Patent had been paid on November 23, 2008, a reporting letter was forwarded to Hayes on November 24, 2008 in connection with client/matter designation 97661.00013. A copy of the reporting letter is appended hereto as Exhibit C.

14. The noted reporting letter is physically located in M&E's physical file for the '854 Patent, i.e., the file associated with client/matter designation 97661.00013. However, it is noted that the subject heading for the noted reporting letter references the '591 Patent. Thus, at the time that the reporting letter was dispatched to Hayes, the

incorrect correlation of the '591 Patent with client/matter designation 97661.00013 was not recognized.

15. M&E's physical file for the '854 Patent (client/matter designation 97661.00013) also contains a maintenance fee printout dated November 24, 2008 reflecting payment of the maintenance fee for the '591 Patent. A copy of the maintenance fee printout is appended hereto as Exhibit D.

16. As is apparent from the foregoing materials, the mistaken non-payment of the second maintenance fee for the '854 Patent was based on an incorrect identification of the maintenance fee paid on Sunday, November 23, 2008, which led to removal of the docketed deadlines associated with such payment from M&E's docket system.

17. As noted above, I moved my practice from C&L to M&E in October 2003. To ensure that future USPTO communications were received by me at M&E, steps were taken to update the USPTO records.

18. On December 5, 2005, a Post-Issuance Submission of Corrected Declaration and an executed Declaration, Power of Attorney, and Petition ("Supplemental Declaration"), were filed with the USPTO (together with a Certificate of Mailing and a return postcard). Copies of the Post-Issuance Submission and the Supplemental Declaration are appended hereto as Exhibit E. A copy of the return postcard reflecting receipt of the noted documents at the USPTO on December 7, 2005 is appended hereto as Exhibit F.

19. As set forth in the Supplemental Declaration, the mailing address associated with the '854 Patent was formally changed to:

McCARTER & ENGLISH, LLP
Attn.: Angelica Brooks
CityPlace I
185 Asylum Street
Hartford, CT 06103

20. Notwithstanding the address change set forth in the Supplemental Declaration, the USPTO records were not updated as requested by Hayes.

21. Hayes learned that the '854 Patent had lapsed due to non-payment of the second maintenance fee from a licensee of the '854 Patent on November 15, 2011. Hayes immediately communicated with my office and an investigation as to the facts and circumstances was promptly undertaken.

22. Upon learning of the non-payment issue, we researched the circumstances surrounding the apparent payment of the second maintenance fee in November 2008, the docketing steps taken with respect to the '854 Patent, and the reasons that we received no communications from the USPTO with respect to the delinquent maintenance fee for the '854 Patent. We also engaged in the requisite research concerning the standards and requirements for reinstatement of the '854 Patent.

23. With respect to the non-existence of USPTO communications concerning the delinquent maintenance fee, we determined that the necessary information was not available at the USPTO website. Accordingly, we arranged for physical inspection of the USPTO files for the '854 Patent to determine why we had not received a communication from the USPTO that the '854 Patent had entered the maintenance fee grace period and/or that the '854 Patent had lapsed.

24. A copy of the Maintenance Fee Reminder issued by the USPTO on February 2, 2009 is appended hereto as Exhibit G, and a copy of the Notice of Patent Expiration issued by the USPTO on August 24, 2009 is appended hereto as Exhibit H. Both of these documents were incorrectly mailed to C&L, despite the change of address set forth in the Supplemental Declaration more than three (3) years prior.

25. Based upon a thorough investigation, neither the Maintenance Fee Reminder nor the Notice of Patent Expiration was received by M&E from C&L. As a result, the opportunity to cure the above-noted error within the surcharge period or shortly after the '854 Patent lapsed was unavoidably missed through no fault of Hayes and/or his attorneys.

26. Based on the foregoing facts and circumstances, I believe that reasonable care was taken to ensure that maintenance fees would be paid timely for the subject patent, and that the failure to pay the second maintenance fee was unavoidable.

27. The petition to accept the delayed payment of the maintenance fee in order to reinstate the '854 Patent is being promptly filed after becoming aware of the expiration of the '854 Patent and completing the requisite investigation.

28. The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 2, 2012


Basam E. Nabulsi

EXHIBIT A

New Copy Search Save Print Delete Undo Exit

Docket Number: 97661.00013 Country: US Sub Case: P02607

Client Name: Hayes & Associates United States of America Resp. Office: STFD

Display: ☐ Outstanding Actions Only ☒ All Actions

| 16>Action(s) Due | Due Date | Indicator | Action Taken | Verify? | O.A. Rec |
|-----------------------------|-------------|-----------|--------------|---------|----------|
| Information Disclosure Stmt | 10-Jul-2000 | Due Date | 10-Jul-2000 | | |
| Foreign Filing Reminder | 10-Oct-2000 | Reminder | 10-Oct-2000 | | |
| Foreign Filing Due | 10-Apr-2001 | Due Date | 10-Apr-2001 | | |
| Application Status Check | 10-Oct-2001 | Due Date | 10-Oct-2001 | | |
| BROADENED REISSUE DL | 24-Apr-2003 | Due Date | 23-Apr-2003 | | |
| Reminder 1st MFEE due 1/24 | 24-Jul-2004 | Reminder | 26-Jul-2004 | | |
| 1ST MAINT FEE DUE | 24-Jan-2005 | Due Date | 26-Jul-2004 | | |
| 1ST MAINT FEE DUE | 24-Jul-2005 | Final | 26-Jul-2004 | | |
| Follow up re entity status | 04-Aug-2005 | Due Date | 03-Aug-2005 | | |
| Revised Declaration Status | 11-Dec-2005 | Due Date | 05-Dec-2005 | | |
| Reminder 2nd MFEE due 1/24 | 24-Nov-2008 | Reminder | 23-Nov-2008 | | |
| 2ND MAINT FEE DUE | 24-Jan-2009 | Due Date | 23-Nov-2008 | | |
| 2ND MAINT FEE DUE | 24-Jul-2009 | Final | 23-Nov-2008 | | |
| Reminder 3rd MFEE due 1/24 | 24-Jul-2012 | Reminder | | | |
| 3RD MAINT FEE DUE | 24-Jan-2013 | Due Date | | | |
| 3RD MAINT FEE DUE | 24-Jul-2013 | Final | | | |

Created By: Conversion User ID: Racek Date Created: 06-Nov-2002 Last Update: 17-Jul-2009
Go To: Invention Generate Letter Patent Links

EXHIBIT B



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month: November 2008
Deposit Account Number: 503570
Name: MCCARTER & ENGLISH, LLC (CT)
Attention: JOAN SIMMONS
Street Address 1: 201 BROAD STREET
Street Address 2:
City: STAMFORD
State: CT
Zip: 06901
Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-------|--------------------|---------------------------|-------------|--------------|-------------|
| 11/03 | 336 | 11705275 | 101904-00014 | 1806 | \$180.00 | \$30,345.00 |
| 11/03 | 1103 | 11705262 | 101904-00016 | 1806 | \$180.00 | \$30,165.00 |
| 11/03 | 1431 | 11705257 | 101904-00017 | 1806 | \$180.00 | \$29,985.00 |
| 11/03 | 1821 | 11705227 | 101904-00019 | 1806 | \$180.00 | \$29,805.00 |
| 11/03 | 2118 | 11705312 | 101904-00020 | 1806 | \$180.00 | \$29,625.00 |
| 11/03 | 2424 | 11705198 | 101904-00024 | 1806 | \$180.00 | \$29,445.00 |
| 11/03 | 13134 | 12263637 | 98121.00165 | 4011 | \$82.00 | \$29,363.00 |
| 11/03 | 13137 | 12263637 | 98121.00165 | 2202 | \$78.00 | \$29,285.00 |
| 11/03 | 13136 | 12263637 | 98121.00165 | 2311 | \$110.00 | \$29,175.00 |
| 11/03 | 13135 | 12263637 | 98121.00165 | 2111 | \$270.00 | \$28,905.00 |
| 11/03 | 45 | PAYMENT | | 9203 | -\$19,760.00 | \$48,665.00 |
| 11/06 | 5165 | 11353475 | 97634.00202 | 1801 | \$810.00 | \$47,855.00 |
| 11/06 | 6465 | 5626768 | 98103.00025 | 2553 | \$2,055.00 | \$45,800.00 |
| 11/06 | 13229 | 61111839 | 101053-00013A | 2005 | \$110.00 | \$45,690.00 |
| 11/07 | 3424 | 10047717 | 97634.00089 | 1801 | \$810.00 | \$44,880.00 |
| 11/07 | 4990 | 12218081 | 98121.00162 | 2251 | \$65.00 | \$44,815.00 |
| 11/07 | 4989 | 12218081 | 98121.00162 | 2051 | \$65.00 | \$44,750.00 |
| 11/10 | 1879 | 10894868 | 97634.00181 | 1801 | \$810.00 | \$43,940.00 |
| 11/10 | 10627 | 11027269 | 99560.00006 | 2251 | \$65.00 | \$43,875.00 |
| 11/10 | 10910 | 11784085 | 94350.00037 | 8021 | \$40.00 | \$43,835.00 |
| 11/12 | 21716 | 11581027 | 97634.00208 | 1501 | \$1,510.00 | \$42,325.00 |
| 11/12 | 21718 | 11581027 | 97634.00208 | 1504 | \$300.00 | \$42,025.00 |
| 11/12 | 25704 | 11731968 | 99689-00048 | 8021 | \$40.00 | \$41,985.00 |
| 11/13 | 2254 | 11119952 | 115190.00154 | 1501 | \$1,510.00 | \$40,475.00 |
| 11/13 | 2255 | 11119952 | 115190.00154 | 1504 | \$300.00 | \$40,175.00 |
| 11/13 | 6670 | 60755631 | 101448.00042 | 8021 | \$80.00 | \$40,095.00 |
| 11/13 | 6831 | 60755626 | 101448.00044 | 8021 | \$80.00 | \$40,015.00 |
| 11/14 | 1428 | 4908154 | 113664.00026 | 8021 | \$160.00 | \$39,855.00 |
| 11/14 | 1795 | 1368735 | 113664.00026 | 8521 | \$40.00 | \$39,815.00 |

| | | | | | | |
|-------|-------|----------------|--------------|------|------------|-------------|
| 11/17 | 10321 | 60755632 | 101448.00043 | 8021 | \$80.00 | \$39,735.00 |
| 11/17 | 14166 | 11817556 | 98015.00002 | 2617 | \$65.00 | \$39,670.00 |
| 11/17 | 14167 | 11817556 | 98015.00002 | 1618 | \$130.00 | \$39,540.00 |
| 11/18 | 1302 | 11355140 | 97634.00203 | 1504 | \$300.00 | \$39,240.00 |
| 11/18 | 1299 | 11355140 | 97634.00203 | 1501 | \$1,510.00 | \$37,730.00 |
| 11/18 | 13435 | 11786084 | 101142.00007 | 1806 | \$180.00 | \$37,550.00 |
| 11/19 | 7852 | 61115920 | 99726-00184 | 2005 | \$110.00 | \$37,440.00 |
| 11/19 | 10508 | PCT/US08/83959 | 97895.00253 | 1602 | \$1,800.00 | \$35,640.00 |
| 11/19 | 10507 | PCT/US08/83959 | 97895.00253 | 1601 | \$300.00 | \$35,340.00 |
| 11/19 | 10509 | PCT/US08/83959 | 97895.00253 | 1702 | \$1,338.00 | \$34,002.00 |
| 11/20 | 2579 | 12206386 | 113952-00002 | 2051 | \$65.00 | \$33,937.00 |
| 11/21 | 353 | 11840024 | 94350.00044 | 8021 | \$40.00 | \$33,897.00 |
| 11/21 | 3238 | 11705227 | 101904-00019 | 1814 | \$140.00 | \$33,757.00 |
| 11/21 | 4710 | 6911519 | 98121.00080 | 2551 | \$490.00 | \$33,267.00 |
| 11/21 | 4750 | 6908900 | 101448.00019 | 2551 | \$490.00 | \$32,777.00 |
| 11/21 | 14736 | 12206298 | 97895.00240 | 1051 | \$130.00 | \$32,647.00 |
| 11/21 | 14737 | 12206298 | 97895.00240 | 1251 | \$130.00 | \$32,517.00 |
| 11/21 | 15640 | 12206318 | 97895.00256 | 1051 | \$130.00 | \$32,387.00 |
| 11/21 | 15641 | 12206318 | 97895.00256 | 1251 | \$130.00 | \$32,257.00 |
| 11/24 | 1988 | 12206386 | 113952-00002 | 8021 | \$40.00 | \$32,217.00 |
| 11/24 | 3712 | 12256084 | 94350.00064 | 8021 | \$40.00 | \$32,177.00 |
| 11/24 | 4766 | 12142883 | 94350.00056 | 8021 | \$40.00 | \$32,137.00 |
| 11/24 | 5414 | 12256084 | 94350.00064 | 2051 | \$65.00 | \$32,072.00 |
| 11/24 | 9555 | 6236136 | 99184.00007 | 1552 | \$2,480.00 | \$29,592.00 |
| 11/24 | 10623 | 6238591 | 97661.00013 | 1552 | \$2,480.00 | \$27,112.00 |
| 11/25 | 2085 | 12276806 | 72535 | 1311 | \$220.00 | \$26,892.00 |
| 11/25 | 2084 | 12276806 | 72535 | 1111 | \$540.00 | \$26,352.00 |
| 11/25 | 2083 | 12276806 | 72535 | 1011 | \$330.00 | \$26,022.00 |
| 11/25 | 3822 | 11189213 | 94350.00022 | 2801 | \$405.00 | \$25,617.00 |
| 11/25 | 3821 | 11189213 | 94350.00022 | 2251 | \$65.00 | \$25,552.00 |
| 11/26 | 2231 | 11027245 | 99560.00008 | 2251 | \$65.00 | \$25,487.00 |
| 11/26 | 2232 | 11027245 | 99560.00008 | 2801 | \$405.00 | \$25,082.00 |

| | | | |
|-------------|-------------|-------------|-------------|
| START | SUM OF | SUM OF | END |
| BALANCE | CHARGES | REPLENISH | BALANCE |
| \$30,525.00 | \$25,203.00 | \$19,760.00 | \$25,082.00 |

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EXHIBIT C

November 24, 2008

VIA REGULAR MAIL

Mr. Claude Q.C. Hayes
Hayes & Associates
3737 3rd Avenue, #308
San Diego, CA 92103

Basam E. Nabulsi

Partner
T. Telephone 203.965.0601
bnabulsi@mccarter.com

Re: Payment of Second Maintenance Fee for:
U.S. Patent No. 6,238,591
Heat Absorbing Temperature Control Devices And Method (Boric Acid)
Our Reference: 97661.00013

Dear Claude:

Pursuant to your instructions, we have paid the second maintenance fee in connection with the above-referenced patent. Enclosed for your records are copies of (i) an online submission of payment of the second maintenance fee as filed with the U.S. Patent Office on November 24, 2008; and (ii) a Maintenance Fee Statement providing the current status of the subject patent.

The third maintenance fee will be due on January 24, 2013. We will send a reminder to you and request instructions for payment in due course.

In the meantime, if you have any questions, please feel free to contact me.

Very truly yours,



Basam E. Nabulsi

BEN/js
Enclosures

BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA

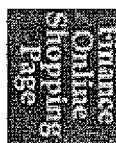
STAMFORD

WILMINGTON

EXHIBIT D



United States Patent and Trademark Office



Maintenance Fee Statement

11/24/2008 07:56 AM EST

Patent Number: 6238591

Customer Number: 20845

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

| PATENT NUMBER | FEE AMT | SUR- CHARGE | PYMT DATE | U.S. APPLICATION NUMBER | PATENT ISSUE DATE | APPL. FILING DATE | PAYMENT YEAR | SMALL ENTITY? | ATTY DKT NUMBER |
|------------------|------------|----------------|--------------|-------------------------------|-------------------------|-------------------------|-----------------|------------------|--------------------|
| 6,238,591 | \$2,480.00 | \$0.00 | 11/24/08 | 09/558,948 | 05/29/01 | 04/26/00 | 08 | NO | 97661.00013 |

[Click here to obtain your Maintenance Fee Statement as a PDF.](#)

Please note that in order to view your Maintenance Fee Statement as a PDF, you must have Adobe's Acrobat Reader installed. If you do not have it, download it for FREE!



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EXHIBIT E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------|---|---------------------------|
| In re Application of: |) | |
| |) | |
| Claude Q.C. Hayes |) | |
| |) | |
| Serial No.: 09/546,361 |) | Patent No. 6,264,854 |
| |) | |
| Filed: April 10, 2000 |) | Issue Date: July 24, 2001 |

For: HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**POST-ISSUANCE SUBMISSION OF
CORRECTED DECLARATION**

Sir:

Applicant respectfully requests that the enclosed Declaration, Power of Attorney and Petition (the "Declaration") be placed in the file of the above-referenced issued U.S. patent. The enclosed Declaration includes a priority claim pursuant to 35 USC §119(e) that conforms to the priority claim that appears on the face of the issued patent, namely a priority claim to provisional application, Serial No. 60/003,387 (filed September 7, 1995). Applicant submits this Declaration to address an error that appeared in a previously submitted Declaration, Power of Attorney and Petition dated April 7, 2000. **No correction of the issued patent is required because the face of the patent correctly identifies the noted provisional patent application pursuant to 35 USC §119(e).**

Applicant respectfully submits that authority for inclusion of the enclosed Declaration in the issued patent file is provided – by analogy – in 37 CFR 1.97(i).

Applicant submits that no fee is due in connection with this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-3570. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Respectfully submitted,



Basam E. Nabulsi
Reg. No. 31,645
Attorney for Applicant

Date: 12/5/05

McCARTER & ENGLISH, LLP
Four Stamford Plaza
107 Elm Street
Stamford, CT 06902
(203) 399-5920

CERTIFICATE OF MAILING

I hereby certify that the Post-Issuance Submission of Corrected Declaration is being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 5, 2005.

Dated: 12/5/05


Joan Simmons

Declaration, Power of Attorney, and Petition

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name,

I believe I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

the specification of which (*check one*)

- ☐ is attached hereto; or
- ☒ was filed on April 10, 2000 as Application Serial No. 09/546,361 and issued on July 24, 2001 as U.S. Patent No. 6,264,854 ; or

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if applicable).

I hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Prior Application(s)

☐ (Check if applicable) I hereby claim foreign priority benefits under Title 35, United States Code § 119, by checking the box(es) below, any foreign application(s) for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

| | | | | |
|----------|-----------|----------------------|--------------------------|--------------------------|
| (Number) | (Country) | Day/month/year filed | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | Yes | No |
| (Number) | (Country) | Day/month/year filed | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | Yes | No |

☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s):

| | |
|-----------------------|-------------------|
| 60/003,387 | September 7, 1995 |
| (Application Number): | (Filing Date): |
| (Application Number) | (Filing Date) |
| (Application Number) | (Filing Date) |

(Note: When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under Title 35, United States Code § 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. _____, filed _____, and U.S. Provisional Application No. _____, filed _____." should appear as the first sentence of the description. In view of this requirement, the right to rely on a prior application may be waived or refused by an applicant by refraining from inserting a reference to the prior application in the specification of the later one.)

☒ (Check if applicable) I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

| | | |
|--------------------------|-------------------|---------------------------------------|
| 08/709,516 | September 6, 1996 | abandoned |
| (Application Serial No.) | (Filing Date) | Status (Patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | Status (Patented, pending, abandoned) |

☐ (Check if applicable) I hereby authorize the U.S. attorneys or agents named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys or agents named herein and ourselves. In the event of a change, we will notify in writing the U.S. attorney or agent named herein.

☐ (Check if applicable) In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorneys whose names are associated with United States Patent and Trademark Office Customer Number 21832:

Bar Code Above

Joseph Agostino, Reg. No. 51,191
Eric E. Bleich, Reg. No. 47,430
Raymond Cappel, Reg. No. 53,836
Sanjiv M. Chokshi, Reg. No. 44,080
Samuel J. DuBoff, Reg. No. 25, 969
Mark D. Giarratana, Reg. No. 32,615
Eric E. Grondahl, Reg. No. 46,741
John K. Kim, Reg. No. 37,002

Troy J. LaMontagne, Reg. No. 47,239
James J. Merrick, Reg. No. 43,801
Basam E. Nabulsi, Reg. No. 31,645
Ralph W. Selitto, Jr., Reg. No. 26,996
William Smith, Reg. No. 46,459
Paul F. Swift, Reg. No. 34,938
Seth M. Wilson, Reg. No. 45,228
Bryan Zerhusen, Reg. No. 54,566

all of the firm of McCARTER & ENGLISH, LLP, whose address is CityPlace I, 185 Asylum Street, Hartford, CT 06103 and as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the following address:

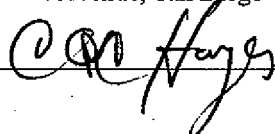
McCARTER & ENGLISH, LLP
Attn.: Angelica Brooks
CityPlace I
185 Asylum Street
Hartford, CT 06103

Telephone Calls should be directed to **Basam E. Nabulsi**, by dialing (203) 965-0601.

Wherefore I pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of first inventor: Claude Q.C. Hayes
Residence: 3737 Thrid Avenue, San Diego CA 92103
Citizenship: USA
Post Office Address: 3737 Thrid Avenue, San Diego CA 92103

First Inventor's signature



Date

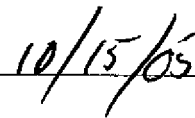


EXHIBIT F

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT

Sir: Kindly acknowledge receipt of the following papers by stamping and returning this card.

Serial No: 09/54,361 Filing Date: 4/10/2000 Atty: BEN Client No: 97661.00013

Title: Heat Absorbing Temperature Control Devices and Due Date: _____
Method

- ☐ A patent application including pages of abstract and specifications and claims
- ☐ (Continuation) (Divisional) (CIP) (Provisional) (Utility) (CPA) (Complete) (Design) Application
- ☐ Response to Notice to File Missing Parts
- ☐ Copy of Notice to File Missing Parts
- ☐ _____ sheets of drawings ☐ formal ☐ informal
- ☒ Declaration/POA ☒ executed ☐ unexecuted
- ☐ Assignment
- ☐ Recordation Form Cover Sheet
- ☐ Application Transmittal Letter
- ☐ Preliminary Amendment
- ☐ Amendment
- ☐ Amendment Fee Transmittal Letter
- ☐ Petition and Fee for Extension of Time
- ☐ Information Disclosure Statement
- ☐ PTO Form 1449 and Copies of Cited References (____)
- ☐ Issue Fee Transmittal
- ☐ Submission of Formal Drawings
- ☐ Maintenance Fee

- ☐ Certificate Under 37 CFR § 3.73(b)
- ☐ Revocation And Substitute Power of Attorney
- ☐ Associate Power of Attorney
- ☐ Priority Document
- ☐ PCT Request
- ☐ PCT Demand
- ☐ PCT Power of Attorney
- ☐ PCT Transmittal Letter
- ☐ PCT Fee Calculation Sheet
- ☐ PCT Response to Invitation to Correct Defects
- ☒ Post-Issuance Submission of
- ☒ Corrected Declaration
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ Check in the amount of _____
- ☒ Certificate of Mailing
- ☐ Certificate of Express Mailing
- No. _____
- ☒ Return postcard
- Date 12/5/05

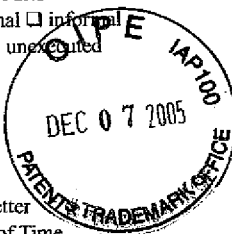


EXHIBIT G



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAYOR NUMBER
20845

P75M

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

DATE PRINTED

02/02/09

MAINTENANCE FEE REMINDER

According to the records of the U.S. Patent and Trademark Office (USPTO) the maintenance fee for the patent(s) listed below (for which the above address is on record as the fee address under 37 CFR 1.363) has not been paid within the six-month period set forth in 37 CFR 1.362(d). **THE MAINTENANCE FEE MAY STILL BE PAID WITH THE APPLICABLE SURCHARGE SET FORTH IN 37 CFR 1.20(h), WITHIN THE SIX-MONTH GRACE PERIOD SET FORTH IN 37 CFR 1.362(e).**

Unless payment of the maintenance fee and the applicable surcharge is received in the USPTO within the six-month grace period, **THE PATENT WILL EXPIRE AS OF THE END OF THE GRACE PERIOD.** 35 U.S.C. 41(b).

The total payment due is the amount required on the date the fee is paid (and not necessarily the amount indicated below). All USPTO fees (including maintenance fees) are subject to change. Customers should refer to the USPTO Web site (www.uspto.gov) or call the Maintenance Fee Branch at 571-272-6500 for the most current fee amounts for the correct entity status before submitting payment. The total payment due indicated below is based on the entity status according to current Office records (shown below).

Timely payment of the total payment due is required in order to avoid expiration of the patent. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

| PATENT NUMBER | FEE MAINT. AMT | U.S. APPL SURCHG NUMBER | PATENT ISSUE DATE | APPL. FILING DATE | PAY- MENT YEAR | SMALL ENTITY? | TOTAL PYMT DUE | ATTORNEY DOCKET NUMBER |
|------------------|-------------------|----------------------------------|-------------------------|-------------------------|----------------------|------------------|----------------------|------------------------------|
| 6264854 | 2480 | 130 | 09546361 | 07/24/01 | 04/10/00 | 8 NO | 2610 | P-5534-18 |

The maintenance fee and the applicable surcharge can be paid quickly and easily over the Internet at www.uspto.gov by electronic funds transfer (EFT), credit card, or USPTO deposit account payment methods. The mailing address for all maintenance fee payments not electronically submitted over the Internet is: U.S. Patent and Trademark Office, P.O. Box 979070, St. Louis, MO 63197-9000.

Direct any questions about this notice to: Mail Stop M Correspondence, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156. Patentee should determine the relevant patent term for a patent before paying the maintenance fee.

EXHIBIT H



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAYOR NUMBER
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P75M

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

DATE PRINTED

08/24/09

NOTICE OF PATENT EXPIRATION

According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, customers should call the Office of Petitions Help Desk at 571-272-3282 or refer to the USPTO Web site at www.uspto.gov/web/offices/pac/dapp/petitionspractice.html. The USPTO also permits reinstatement under 37 CFR 1.378(c) by electronic petition (e-petition) using EFS-Web; e-petitions may be automatically granted if all the eligibility requirements are met. For further information on filing an e-petition, please call the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 or refer to the EBC's e-petition guide at www.uspto.gov/ebc/portal/efs/petition_quickstart.pdf.

| PATENT NUMBER | U.S. APPLICATION NUMBER | PATENT ISSUE DATE | APPLICATION FILING DATE | EXPIRATION DATE | ATTORNEY DOCKET NUMBER |
|------------------|-------------------------------|----------------------|----------------------------|--------------------|---------------------------|
| 6264854 | 09546361 | 07/24/01 | 04/10/00 | 07/24/09 | P-5534-18 |

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156.